

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF DELAWARE

THOMAS A. EAMES, ROBERTA L. EAMES )  
and TAMMY EAMES, on behalf of )  
themselves and all others )  
similarly situated, )

Plaintiffs, )

C.A. No. 04-CV-1324KAJ

v. )

NATIONWIDE MUTUAL INSURANCE )  
COMPANY, )

Defendant. )

**AFFIDAVIT OF HEATHER R. JONES**

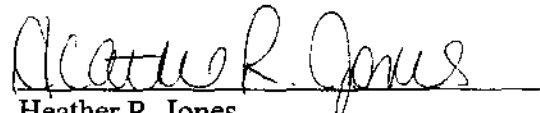
Heather R. Jones, being duly sworn, deposes and says:

1. I am a paralegal employed by the law firm of Murphy Spadaro & Landon, counsel to the Eames plaintiffs herein. I make this affidavit on personal knowledge.

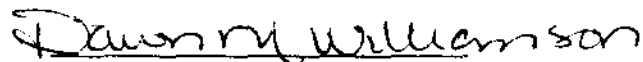
2. In March 2005, the Eames plaintiffs served document subpoenas on three of Nationwide's Delaware insurance agents -- Lisa Broadbent Insurance, Inc., Truitt Insurance Agency, Inc., and Glenn Deaton Agency, Inc. In April 2005, the Eames plaintiffs served another document subpoena on a fourth Nationwide insurance agency, Cynthia C. Hoban Agency of Frankford, Delaware.

3. Negotiations ensued between the Eames plaintiffs and attorney Robert J. Leoni, counsel to the four subpoenaed insurance agencies. On April 27, 2005, the Eames plaintiffs agreed to accept, in satisfaction of the subpoenas, a random production of thirty-five auto insurance files from each of the subpoenaed agencies. Under this agreement, therefore, the four agencies produced a total of 140 auto insurance files.

4. At the direction of attorney John S. Spadaro, counsel to the Eames plaintiffs, I have reviewed the 140 files produced by the four subpoenaed agents. Of those files, forty-eight appear to involve the sale or purported sale by Nationwide of the statutory minimum PIP limits of \$15,000 per person and \$30,000 per accident. In every instance but one, the agents characterized PIP as "full."

  
Heather R. Jones

SWORN TO AND SUBSCRIBED before me, a Notary Public in and for the State and County aforesaid.

  
NOTARY PUBLIC

My Commission Expires: 8-31-09

**DAWN M. WILLIAMSON**  
**NOTARY PUBLIC**  
**STATE OF DELAWARE**  
**My Commission Exp. 8-31-09**

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	)	
v.	)	
	)	
NATIONWIDE MUTUAL INSURANCE	)	
COMPANY,	)	
	)	
Defendant.	)	

**EAMES PLAINTIFFS' NOTICE OF DEPOSITION OF  
NATIONWIDE MUTUAL INSURANCE COMPANY**

To: Nicholas E. Skiles, Esq.  
Swartz Campbell LLC  
300 Delaware Avenue, Suite 1130  
P.O. Box 330  
Wilmington, DE 19899

**PLEASE TAKE NOTICE** that, pursuant to Federal Rule of Civil Procedure 30(b)(6), counsel for plaintiffs Thomas A. Eames, Roberta L. Eames and Tammy Eames will take the deposition(s) on oral examination of the defendant Nationwide Mutual Insurance Company by one or more persons who consent to testify on its behalf with respect to matters known or reasonably available to it, as set forth in the accompanying Appendix (titled "Appendix: Matters for Examination"). The deposition(s) will proceed at the offices of Murphy Spadaro & Landon, 1011 Centre Road, Suite 210, Wilmington, Delaware 19805, beginning at 10:00 a.m. on February 16, 2006, and continuing from day to day, during normal business hours, until completed.

A designee's testimony in response to this notice shall not limit the Eames plaintiffs' right to seek further testimony from the same person at a later date, pursuant to Federal Rule of Civil Procedure 30(b)(1); nor shall the conduct of any examination hereunder prejudice the Eames plaintiffs' right to additional testimony under Rule 30(b)(6) in any later phase of discovery.

Respectfully submitted,

MURPHY SPADARO & LANDON

/s/ John S. Spadaro

John S. Spadaro, No. 3155  
1011 Centre Road, Suite 210  
Wilmington, DE 19805  
(302)472-8100

Attorneys for plaintiffs

Thomas A. Eames, Roberta L. Eames and Tammy  
Eames (on behalf of themselves and all others  
similarly situated)

January 20, 2006

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF DELAWARE

THOMAS A. EAMES, ROBERTA L. EAMES	)	
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NATIONWIDE MUTUAL INSURANCE	)	
COMPANY,	)	
	)	
Defendant.	)	

**APPENDIX: MATTERS FOR EXAMINATION**

**Definitions**

1. References to "you", "your" or "Nationwide" are to the defendant Nationwide Mutual Insurance Company.
2. The term "PIP" refers to Personal Injury Protection or other first-party "no-fault" insurance benefits for medical expenses, lost earnings or funeral expenses provided or to be provided under policies of automobile insurance.
3. The term "document" shall have the broadest meaning permissible under the Federal Rules of Civil Procedure, and shall include (without limitation) documents created or stored by electronic means.
4. References to the "disputed practice" are to the characterization of any aspect of PIP (whether it be limits of liability, deductibles or otherwise) as "full", where such characterization is set forth in documents shared by Nationwide or its insurance agents with actual or prospective

purchasers of automobile insurance, and regardless of whether Nationwide contends that such characterization is innocent or lawful.

5. The term "loss ratio" means the ratio of an insurer's incurred losses and loss-adjustment expenses to its net earned premium.<sup>1</sup>

#### **Matters for Examination**

1. Your organization and structure, including without limitation the organization of any subdivision, section, division, department, office or group that participated in the development, creation or implementation of the disputed practice, or currently has responsibility for oversight of the disputed practice.

2. The disputed practice, including without limitation:

a. The genesis, development, inception or origins of the disputed practice;

b. Any variations of the disputed practice employed by Nationwide or its agents in states other than Delaware;

c. Any questions, concerns or criticisms with respect to the disputed practice that have been raised at any time by regulators, consumer advocates, members of the legal profession, or other persons not employed or retained by Nationwide;

d. Any questions, concerns or criticisms with respect to the disputed practice that have been raised at any time by persons employed or retained by Nationwide; and

e. The identity of persons with knowledge of the matters described by this paragraph.

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<sup>1</sup> For purposes of this Definition No. 5, the term "loss-adjustment expenses" refers to expenses incurred to investigate, process, handle or pay insurance claims; and the term "earned premium" refers to that part of any insurance premium to which an insurer is entitled under a contract of insurance, and by virtue of the passage of time.

3. The content, accuracy, veracity and completeness of deposition testimony given in this case by the Glenn Deaton Agency, Inc. through its designee, Glenn Deaton.

4. The content, accuracy, veracity and completeness of Nationwide's responses to written discovery propounded by the plaintiffs herein.

5. The completeness, efficacy and integrity of Nationwide's search for and production of documents responsive to written discovery propounded by the plaintiffs herein.

6. The nature and content of documents produced by Nationwide in the course of discovery herein.

7. The nature and content of documents produced by the Glenn Deaton Agency, Inc., the Truitt Insurance Agency, the Cynthia C. Hoban Agency, Lisa Broadbent Insurance, Inc. and Muncie Insurance & Financial Services, Inc. in the course of discovery herein.

8. Nationwide's loss ratio for PIP coverages written in Delaware, including without limitation the extent to which such loss ratio has historically been more or less favorable than the loss ratios for other automobile insurance coverage parts written by Nationwide in Delaware.

9. Nationwide's loss ratio for PIP coverages generally (without regard to the geographic limits of Delaware), including without limitation the extent to which such loss ratio has historically been more or less favorable than the loss ratios for other automobile insurance coverage parts written by Nationwide.

10. The approximate number of automobile insurance policies issued by Nationwide for vehicles registered in the State of Delaware for each year since 2001.

11. The approximate number of automobile insurance policies issued by Nationwide for vehicles registered in the State of Delaware, and which provide or purport to provide limits of

liability for PIP coverage of \$15,000 per person and \$30,000 per accident, for each year since 2001.

12. The number and identity of Nationwide's insurance agents in Delaware.

13. The existence *vel non*, location and organization of any documents that refer or relate to any of the Matters for Examination set forth herein, and the identity of any custodian for any such documents.

Respectfully submitted,

MURPHY SPADARO & LANDON

/s/ John S. Spadaro

John S. Spadaro, No. 3155  
1011 Centre Road, Suite 210  
Wilmington, DE 19805  
(302)472-8100

Attorneys for plaintiffs

Thomas A. Eames, Roberta L. Eames and Tammy  
Eames (on behalf of themselves and all others  
similarly situated)

January 20, 2006



**IN THE UNITED STATES DISTRICT COURT  
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THOMAS A. EAMES, ROBERTA L. EAMES  
and TAMMY EAMES, on behalf of  
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similarly situated,

Plaintiffs,

v.

NATIONWIDE MUTUAL INSURANCE  
COMPANY,

Defendant.

C.A. No. 04-CV-1324KAJ

**NOTICE OF SERVICE**

I hereby certify that on this date, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following:

Nicholas E. Skiles, Esq.  
Swartz Campbell LLC  
300 Delaware Avenue, Suite 1130  
P.O. Box 330  
Wilmington, DE 19899

MURPHY SPADARO & LANDON

/s/ John S. Spadaro

John S. Spadaro, No. 3155  
1011 Centre Road, Suite 210  
Wilmington, DE 19805  
(302) 472-8100

Attorneys for plaintiffs  
Thomas A. Eames, Roberta L. Eames and  
Tammy Eames (on behalf of themselves and  
all others similarly situated)

January 20, 2006

## THOMAS EAMES

April 7, 2006

Page 1	Page 3
<p>IN THE UNITED STATES DISTRICT COURT IN AND FOR THE DISTRICT OF DELAWARE</p> <p>***</p> <p>THOMAS A. EAMES, ROBERTA L. : CIVIL ACTION EAMES and TAMMY EAMES, on behalf of themselves and all : Others similarly situated :</p> <p>-vs- : : NO. 04-CV-1324-KAJ NATIONWIDE MUTUAL INSURANCE COMPANY :</p> <p>***</p> <p>Oral deposition of THOMAS EAMES, held in the law offices of Swartz Campbell, LLC, 300 Delaware Avenue, Suite 1130, Wilmington, Delaware, on Thursday, April 27, 2006, beginning at approximately 1:30 P.M., before Audree E. Burg, Certified Court Reporter and Notary Public in and for the Commonwealth of Pennsylvania.</p> <p>***</p> <p>KARASCH &amp; ASSOCIATES REGISTERED PROFESSIONAL REPORTERS PENNSYLVANIA and DELAWARE (800) 621-5689</p>	<p>1 INDEX</p> <p>2</p> <p>3 WITNESS: PAGE</p> <p>4 THOMAS EAMES</p> <p>5 BY: MR. MARINO 4, 41</p> <p>6 BY: MR. EDWARDS 39</p> <p>7</p> <p>8 ***</p> <p>9</p> <p>10 EXHIBITS</p> <p>11 NUMBER DESCRIPTION PAGE</p> <p>12 T. Eames-1 Response to Interrogatories 16</p> <p>13 T. Eames-2 Statement 28</p> <p>14 T. Eames-3 Amended Complaint 34</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 2	Page 4
<p>1 APPEARANCES:</p> <p>2 MURPHY, SPODARO &amp; LONDON</p> <p>3 BY: PHILIP EDWARDS, ESQUIRE</p> <p>4 1011 Centre Road - Suite 210</p> <p>5 Wilmington, DE 19805</p> <p>6 -- Representing the Plaintiffs</p> <p>7 FOWLER, WHITE, BOGGS, BANKER</p> <p>8 BY: JOHN P. MARINO, ESQUIRE</p> <p>9 50 North Laura Street - Suite 2200</p> <p>10 Jacksonville, FL 32202</p> <p>11 -- Representing the Defendant</p> <p>12 ALSO PRESENT:</p> <p>13 Curtis Cheyney, Esquire</p> <p>14 Yvone Chambers, Esquire</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 (It is hereby stipulated and agreed</p> <p>2 by and between counsel for the respective</p> <p>3 parties that signing, sealing,</p> <p>4 certification, and filing are waived; and</p> <p>5 that all objections, except as to the form</p> <p>6 of the question, are reserved until the time</p> <p>7 of trial.)</p> <p>8 THOMAS EAMES, after having been</p> <p>9 first duly sworn, was examined and testified</p> <p>10 as follows:</p> <p>11 EXAMINATION</p> <p>12 BY MR. MARINO:</p> <p>13 Q. We met earlier. I'm John Marino. I</p> <p>14 represent the defendant, Nationwide Mutual Insurance</p> <p>15 Company in this case. When I refer to Nationwide</p> <p>16 during the deposition I'm referring to Nationwide</p> <p>17 Mutual Insurance Company; do you understand that?</p> <p>18 A. Yes.</p> <p>19 Q. Next to me is Mr. Cheyney. He also</p> <p>20 represents Nationwide. At the end of the table is</p> <p>21 Yvonne Chambers. She's with the general counsel's</p> <p>22 office with Nationwide.</p> <p>23 Before we get started I will go over a</p> <p>24 couple ground rules. If you don't hear or understand a</p> <p>25 question I asked, I ask that you ask me to ask it again</p>

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KARASCH & ASSOCIATES  
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A141

## THOMAS EAMES

April 7, 2006

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<p>1 or rephrase it.</p> <p>2 A. Yes.</p> <p>3 Q. If you answer a question I'm going to assume</p> <p>4 that you understood it; okay?</p> <p>5 A. Yes.</p> <p>6 Q. You had your deposition taken at least once</p> <p>7 before. That's my guess. The way it works I ask the</p> <p>8 question, you answer. We can't talk over each other.</p> <p>9 That is hard to do. The court reporter will have a</p> <p>10 hard time taking down the testimony.</p> <p>11 A. Okay.</p> <p>12 Q. If you need a break, let me know.</p> <p>13 A. Okay.</p> <p>14 Q. Are you presently under any medication that</p> <p>15 would affect your ability to testify?</p> <p>16 A. No.</p> <p>17 Q. Is there anything else that could affect your</p> <p>18 ability to testify today?</p> <p>19 A. No.</p> <p>20 Q. What is your full name?</p> <p>21 A. Thomas Allen Eames.</p> <p>22 Q. Have you ever been known by any other names?</p> <p>23 A. No, other than Tom.</p> <p>24 Q. What is your date of birth?</p> <p>25 A. 12/21/55.</p>	<p>1 Q. You drive the forklift?</p> <p>2 A. Right.</p> <p>3 Q. Move them around and get them where they need</p> <p>4 to be?</p> <p>5 A. Right.</p> <p>6 Q. What is the business address?</p> <p>7 A. It is Lewes Georgetown Highway.</p> <p>8 Q. Is there an office there?</p> <p>9 A. Yes.</p> <p>10 Q. You don't spend much time at the office?</p> <p>11 A. No.</p> <p>12 Q. You don't go there often?</p> <p>13 A. No.</p> <p>14 Q. You go to job sites?</p> <p>15 A. Yes.</p> <p>16 Q. How long have you worked for them?</p> <p>17 A. I've been with that owner of the company</p> <p>18 since December of 1995.</p> <p>19 Q. There was a change of ownership in December</p> <p>20 of 1995?</p> <p>21 A. Right. Two to three different owners of the</p> <p>22 company.</p> <p>23 Q. You worked for the prior owner too?</p> <p>24 A. Same group of guys since about 1974.</p> <p>25 Q. Doing the same kind of work?</p>
Page 6	Page 8
<p>1 Q. Residence address?</p> <p>2 A. 14908 Concord Road, Seaford, Delaware.</p> <p>3 Q. You live with your wife?</p> <p>4 A. Yes.</p> <p>5 Q. Your daughter Tammy lives with you?</p> <p>6 A. Yes.</p> <p>7 Q. Do any other children live there with you?</p> <p>8 A. No.</p> <p>9 Q. Are you employed?</p> <p>10 A. Yes.</p> <p>11 Q. What do you do?</p> <p>12 A. I drive a forklift and do labor work.</p> <p>13 Q. Are you employed by a company?</p> <p>14 A. Yes.</p> <p>15 Q. Who is that?</p> <p>16 A. Peninsula Masonry.</p> <p>17 Q. You do masonry work?</p> <p>18 A. Just drive the forklift and carry block.</p> <p>19 Q. You carry --</p> <p>20 A. Block. I don't lay block.</p> <p>21 Q. You carry it. Do you assist in laying it?</p> <p>22 A. No. I just stock block, brick. Whatever the</p> <p>23 masons need I get what they need.</p> <p>24 Q. You bring the bricks to them?</p> <p>25 A. Right.</p>	<p>1 A. Yes. Originally I started out as labor.</p> <p>2 Then I went to pouring concrete. Now I'm back to</p> <p>3 driving a forklift.</p> <p>4 Q. That's the type of work you have been doing</p> <p>5 since 1974?</p> <p>6 A. Yes.</p> <p>7 Q. Did you graduate from high school?</p> <p>8 A. Yes.</p> <p>9 Q. When?</p> <p>10 A. 1974.</p> <p>11 Q. You had one job since then?</p> <p>12 A. Yes.</p> <p>13 Q. Where did you graduate from?</p> <p>14 A. Sussex Central in Georgetown.</p> <p>15 Q. Did you ever attend any college courses?</p> <p>16 A. No.</p> <p>17 Q. Junior college?</p> <p>18 A. No.</p> <p>19 Q. Any other education or training?</p> <p>20 A. I went to vocational in high school.</p> <p>21 Q. Anything after high school?</p> <p>22 A. No.</p> <p>23 Q. No other types of courses?</p> <p>24 A. No.</p> <p>25 Q. Have you had your deposition taken before?</p>

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THOMAS EAMES

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<p>1 A. Yes.</p> <p>2 Q. How many times?</p> <p>3 A. Twice.</p> <p>4 Q. Counting this time twice, or twice before?</p> <p>5 A. Twice before this time.</p> <p>6 Q. When was the last time you had your</p> <p>7 deposition taken?</p> <p>8 A. February, I think.</p> <p>9 Q. Of this year?</p> <p>10 A. Yes.</p> <p>11 Q. Was that in connection with a lawsuit?</p> <p>12 A. Yes.</p> <p>13 Q. What lawsuit was that?</p> <p>14 A. The auto accident.</p> <p>15 Q. What auto accident?</p> <p>16 A. The accident we had in 2003.</p> <p>17 Q. Is that a lawsuit that you and your wife and</p> <p>18 your daughter are plaintiffs in?</p> <p>19 A. Yes, sir.</p> <p>20 Q. You are suing somebody in connection with</p> <p>21 injuries you received in that accident; correct?</p> <p>22 A. Correct.</p> <p>23 Q. Who are you suing?</p> <p>24 A. Satchell. I can't remember the first name.</p> <p>25 Q. Was he the driver of the other car?</p>	<p>1 A. Sexual harassment.</p> <p>2 Q. Do you know about what year that was?</p> <p>3 MR. EDWARDS: Objection. This is</p> <p>4 outside certification issues. Relevance.</p> <p>5 BY MR. MARINO:</p> <p>6 Q. You were deposed once in that case?</p> <p>7 A. Yes.</p> <p>8 Q. Is that case over?</p> <p>9 A. Yes.</p> <p>10 Q. How was it resolved?</p> <p>11 A. The company paid them off.</p> <p>12 Q. Is that in Delaware?</p> <p>13 A. Yes.</p> <p>14 MR. EDWARDS: Continuing objection.</p> <p>15 MR. MARINO: You can have a</p> <p>16 continuing objection.</p> <p>17 BY MR. MARINO:</p> <p>18 Q. Other than earlier this year in connection</p> <p>19 with the case where you were a plaintiff and some time</p> <p>20 ago in connection with the other case where you were a</p> <p>21 defendant, are there any other occasions where you gave</p> <p>22 deposition testimony?</p> <p>23 A. No.</p> <p>24 Q. Have you ever testified at any trials?</p> <p>25 A. No.</p>
Page 10	Page 12
<p>1 A. Yes.</p> <p>2 Q. You are a plaintiff in that lawsuit?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Who is your lawyer?</p> <p>5 A. Clayton Bunning.</p> <p>6 Q. Do you know who the lawyer is for the</p> <p>7 defendant in that case?</p> <p>8 A. I don't remember.</p> <p>9 Q. A woman took your deposition?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know the first name?</p> <p>12 A. I believe it was Miranda.</p> <p>13 Q. There was another time you had your</p> <p>14 deposition taken?</p> <p>15 A. Yes.</p> <p>16 Q. When was that?</p> <p>17 A. I can't remember the exact. Maybe 19 years</p> <p>18 ago.</p> <p>19 Q. In connection with a case, a lawsuit?</p> <p>20 A. Yes.</p> <p>21 Q. What kind of case was that?</p> <p>22 A. A lawsuit against me.</p> <p>23 Q. Somebody sued you?</p> <p>24 A. Yes.</p> <p>25 Q. What did they sue you for?</p>	<p>1 Q. Were you giving testimony in any kind of</p> <p>2 arbitration or other proceeding?</p> <p>3 A. No.</p> <p>4 Q. Other than the case you have going on now for</p> <p>5 personal injuries and this prior case where you were a</p> <p>6 defendant, had you ever been a party to any other</p> <p>7 litigation?</p> <p>8 A. No.</p> <p>9 Q. Did you prepare for your deposition today?</p> <p>10 A. Yes.</p> <p>11 Q. What did you do to prepare?</p> <p>12 MR. EDWARDS: Don't divulge the</p> <p>13 content of the conversation or anything like</p> <p>14 that.</p> <p>15 You can say when, where. No</p> <p>16 discussion as to what was discussed.</p> <p>17 THE WITNESS: Mr. Spadaro yesterday.</p> <p>18 BY MR. MARINO:</p> <p>19 Q. Where did you meet?</p> <p>20 A. Clayton Bunning's office in the conference</p> <p>21 room.</p> <p>22 Q. Who else was there?</p> <p>23 A. My wife and Tammy.</p> <p>24 Q. It was your wife, Tammy and Mr. Spadaro?</p> <p>25 A. And Mr. Bunning came in.</p>

3 (Pages 9 to 12)

## THOMAS EAMES

April 7, 2006

Page 13	Page 15
<p>1 Q. Was Mr. Bunning there the whole time?</p> <p>2 A. No.</p> <p>3 Q. He came in and out?</p> <p>4 A. Correct.</p> <p>5 Q. How long did you meet?</p> <p>6 A. Maybe an hour, maybe a little more.</p> <p>7 Q. Were all three of you meeting with Mr.</p> <p>8 Spadaro together or separate?</p> <p>9 A. Together.</p> <p>10 Q. You met personally with Mr. Spadaro</p> <p>11 yesterday; correct?</p> <p>12 A. Yes.</p> <p>13 Q. Prior to yesterday had you ever met Mr.</p> <p>14 Spadaro before?</p> <p>15 A. No.</p> <p>16 Q. Prior to today had you ever met Mr. Edwards?</p> <p>17 A. No.</p> <p>18 Q. Prior to yesterday when you met Mr. Spadaro,</p> <p>19 had you ever met anyone from Murphy, Spadaro and</p> <p>20 Landon?</p> <p>21 A. No.</p> <p>22 Q. Had you ever talked with Mr. Spadaro prior to</p> <p>23 yesterday, on the phone?</p> <p>24 A. I might have talked to him one time. He</p> <p>25 wanted to talk to my wife, not specifically me.</p>	<p>1 Q. In this case, the case we're here on today?</p> <p>2 A. Mr. Spadaro.</p> <p>3 Q. He is your lawyer in this case?</p> <p>4 A. Yes.</p> <p>5 Q. Did you retain Mr. Spadaro to represent you</p> <p>6 in this case?</p> <p>7 A. Did I seek him out?</p> <p>8 Q. Yes.</p> <p>9 A. Not personally, no.</p> <p>10 Q. How did he come to represent you in this</p> <p>11 case?</p> <p>12 A. Through Clayton Bunning.</p> <p>13 Q. Do you know what a class action is?</p> <p>14 A. Yes.</p> <p>15 Q. What is it?</p> <p>16 A. When an individual or group of people</p> <p>17 represent other individuals with a similar situation.</p> <p>18 Q. When did you learn that?</p> <p>19 A. I think I pretty much know what it means, I</p> <p>20 believe. I hear about it on TV all of the time.</p> <p>21 Q. Do you know what it means to be a class</p> <p>22 representative?</p> <p>23 A. You are representing an individual with the</p> <p>24 same situation that you are in.</p> <p>25 Q. Do you know what duties are expected of a</p>
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<p>1 Q. You may have talked to him one time but you</p> <p>2 don't recall?</p> <p>3 A. I always relay the message to my wife.</p> <p>4 Q. Prior to yesterday other than Mr. Spadaro</p> <p>5 have you talked with anyone from that law firm?</p> <p>6 A. No.</p> <p>7 Q. Did you review any documents when you</p> <p>8 prepared yesterday?</p> <p>9 A. Yes.</p> <p>10 Q. What documents did you review?</p> <p>11 A. I don't know what they are called. I looked</p> <p>12 at some documents yesterday. I don't know the specific</p> <p>13 name.</p> <p>14 Q. How many did you look at?</p> <p>15 A. At a couple.</p> <p>16 Q. Around two?</p> <p>17 A. We had a pile of stuff in front of us.</p> <p>18 Three, four documents.</p> <p>19 Q. Is there anything else other than what you</p> <p>20 already testified to that you did to prepare for your</p> <p>21 deposition today?</p> <p>22 A. No.</p> <p>23 Q. You are represented by a lawyer in this case;</p> <p>24 aren't you?</p> <p>25 A. Which case?</p>	<p>1 class representative?</p> <p>2 A. Not really. Just to tell the truth.</p> <p>3 Q. Did you have any other understanding of the</p> <p>4 duties of a class representative?</p> <p>5 A. Not really.</p> <p>6 Q. Do you know what fiduciary duties are?</p> <p>7 A. No.</p> <p>8 Q. Have you ever heard that term before?</p> <p>9 A. No.</p> <p>10 Q. You are seeking to be a class representative</p> <p>11 in this case; aren't you?</p> <p>12 A. Yes.</p> <p>13 Q. Have you ever sought to be a class</p> <p>14 representative in any other case?</p> <p>15 A. No.</p> <p>16 MR. MARINO: Mark this as T.</p> <p>17 Eames-1.</p> <p>18 (Whereupon, Exhibit T. Eames-1 was</p> <p>19 so marked for identification by the court</p> <p>20 reporter, being Plaintiff's Response to</p> <p>21 Interrogatories.)</p> <p>22 BY MR. MARINO:</p> <p>23 Q. I'm putting before you T. Eames-1. Are these</p> <p>24 your interrogatory responses to Nationwide's</p> <p>25 interrogatories?</p>

4 (Pages 13 to 16)

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<p>1 A. May I read it?</p> <p>2 Q. Sure. Have you ever seen this before?</p> <p>3 A. No.</p> <p>4 Q. This morning is the first time you have seen</p> <p>5 what is marked as exhibit one?</p> <p>6 A. Yes.</p> <p>7 Q. You were never asked to review this document</p> <p>8 prior to February 14, 2006?</p> <p>9 A. No.</p> <p>10 Q. You were never asked to sign these answers to</p> <p>11 interrogatories under oath, were you?</p> <p>12 A. To the best of my recollection, no.</p> <p>13 Q. Did anyone ever consult with you about these</p> <p>14 answers to interrogatories prior to February 14, 2006?</p> <p>15 A. I can't recall. I don't believe so.</p> <p>16 Q. Look at interrogatory number three on page</p> <p>17 three.</p> <p>18 "Identify all past or present Nationwide</p> <p>19 employees with whom you have personally communicated</p> <p>20 regarding the insurance policy issued in the</p> <p>21 complaint".</p> <p>22 It makes some objections.</p> <p>23 MR. EDWARDS: I make the same</p> <p>24 objections here today that are in the</p> <p>25 interrogatory answer.</p>	<p>1 A. I don't believe so.</p> <p>2 Q. Have you personally communicated with anyone</p> <p>3 from Nationwide Mutual Insurance Company?</p> <p>4 A. Those two individuals.</p> <p>5 Q. Those two individuals. They are from Culver</p> <p>6 Insurance Agency?</p> <p>7 A. Yes.</p> <p>8 Q. Have you ever personally communicated with</p> <p>9 anybody from Nationwide Mutual Insurance Company?</p> <p>10 MR. EDWARDS: Asked and answered.</p> <p>11 THE WITNESS: They represent</p> <p>12 Nationwide so I spoke to those two</p> <p>13 individuals.</p> <p>14 BY MR. MARINO:</p> <p>15 Q. Other than those two individuals have you</p> <p>16 ever personally communicated with anybody else</p> <p>17 regarding insurance?</p> <p>18 A. I don't believe so. Not that I can recall.</p> <p>19 Q. When did you first communicate with Keith</p> <p>20 Culver?</p> <p>21 A. Probably when we first got our policy back in</p> <p>22 1994.</p> <p>23 Q. Do you recall when it was?</p> <p>24 A. I don't recall the specific date, no. He was</p> <p>25 the owner of the Nationwide company that we dealt with.</p>
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<p>1 BY MR. MARINO:</p> <p>2 Q. "Subject to and on information and belief Mr.</p> <p>3 Eames states he may have communicated personally with</p> <p>4 Linda Sanders and/or Keith Culver of the Culver</p> <p>5 Insurance Company now known was Muncie Insurance and</p> <p>6 Financial Services, Inc.".</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. Why do you say on information and belief you</p> <p>10 may have communicated personally with these people?</p> <p>11 MR. EDWARDS: Objection.</p> <p>12 THE WITNESS: Because I have spoken</p> <p>13 to these people.</p> <p>14 BY MR. MARINO:</p> <p>15 Q. Why does the answer say on information and</p> <p>16 belief you may have communicated?</p> <p>17 A. The whole time we had insurance with</p> <p>18 Nationwide I talked off and on with these people. I</p> <p>19 guess that's the answer you are looking for. I don't</p> <p>20 know.</p> <p>21 Q. You have personally communicated with Linda</p> <p>22 Sanders or Keith Culver?</p> <p>23 A. Yes.</p> <p>24 Q. Have you ever communicated with anyone else</p> <p>25 from the Culver Insurance Agency other than those two?</p>	<p>1 Q. Do you recall specifically talking to Keith</p> <p>2 Culver in 1994?</p> <p>3 A. I talked to both of them in 1994.</p> <p>4 Q. You don't recall when, do you?</p> <p>5 A. I don't remember the exact date, no.</p> <p>6 Q. Do you remember how many times you talked to</p> <p>7 either one of them?</p> <p>8 A. No.</p> <p>9 Q. Did you talk on the phone or in person?</p> <p>10 A. In person and on the -- mostly in person. My</p> <p>11 wife does all of the phone calls.</p> <p>12 Q. You go places and she talks on the phone?</p> <p>13 A. I prefer to do face-to-face.</p> <p>14 Q. When was the first time you met Mr. Culver</p> <p>15 face-to-face?</p> <p>16 A. It was in 1994. I don't recall a specific</p> <p>17 date or time.</p> <p>18 Q. When you met Mr. Culver in 1994 was your wife</p> <p>19 with you?</p> <p>20 A. I don't recall.</p> <p>21 Q. Do you specifically recall meeting Ms.</p> <p>22 Sanders in 1994?</p> <p>23 A. Yes. I met her in 1994. I don't recall the</p> <p>24 specific date. Yes, I met her in 1994.</p> <p>25 Q. Was your wife with you?</p>

5 (Pages 17 to 20)

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<p>1 A. I don't believe so.</p> <p>2 Q. Tammy wasn't with you, was she?</p> <p>3 A. No. It might be 1992. I don't remember</p> <p>4 exactly when. Somewhere in that timeframe, I think.</p> <p>5 Q. It could be 1992?</p> <p>6 A. I don't know.</p> <p>7 Q. It was a long time ago, wasn't it?</p> <p>8 A. Right.</p> <p>9 Q. If you talked with Mr. Culver and Ms.</p> <p>10 Sanders, is it your testimony that was in person?</p> <p>11 A. Yes.</p> <p>12 Q. Do you recall ever talking to one of them on</p> <p>13 the phone?</p> <p>14 A. I don't recall.</p> <p>15 Q. Do you know how many times you may have met</p> <p>16 with one or both of them in person?</p> <p>17 A. No.</p> <p>18 Q. Do you know why you may have met with one of</p> <p>19 them in person?</p> <p>20 A. For auto insurance.</p> <p>21 Q. You went to the office?</p> <p>22 A. Yes. I met Linda about auto insurance on a</p> <p>23 truck I had.</p> <p>24 Q. That was in 1994?</p> <p>25 A. Somewhere around that date.</p>	<p>1 A. To me full coverage was anything that</p> <p>2 happened.</p> <p>3 Q. Your understanding is if anything happened,</p> <p>4 you got hurt or whatever, whatever you needed was</p> <p>5 covered?</p> <p>6 A. Correct. I specifically said that's what I</p> <p>7 was looking for. I was told that's what I was getting.</p> <p>8 Q. Who told you that?</p> <p>9 A. Linda.</p> <p>10 Q. Did Keith ever tell you that?</p> <p>11 A. I don't recall. I talked to her about my</p> <p>12 insurance policy. Everything always was full coverage.</p> <p>13 Q. Exactly what did Linda tell you? Could you</p> <p>14 remember her specific words?</p> <p>15 A. Nobody remembers specific words. I told her</p> <p>16 I wanted full coverage, medical if anything happened</p> <p>17 would be taken care of.</p> <p>18 She told me that is what I was getting</p> <p>19 would take care of my medical, or if something happened</p> <p>20 everything would be taken care of. I would not be left</p> <p>21 like I was with this, out there hanging. I thought I</p> <p>22 had something. It was misrepresented to me by the</p> <p>23 agent. I thought I was fully covered by what happened.</p> <p>24 Q. That was an oral communication?</p> <p>25 A. Yes.</p>
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<p>1 Q. How long did you meet with her?</p> <p>2 A. I don't remember.</p> <p>3 Q. Do you remember what was said during that</p> <p>4 meeting?</p> <p>5 A. I wanted to purchase some auto insurance and</p> <p>6 I wanted full coverage auto insurance.</p> <p>7 Q. Is it your testimony that you told Mrs.</p> <p>8 Sanders you wanted full coverage auto insurance.</p> <p>9 A. Yes.</p> <p>10 Q. What does that mean?</p> <p>11 A. To me full coverage is if you are in an</p> <p>12 accident everything is taken care of. Your bills are</p> <p>13 paid, whatever needs to be taken care of. To me that's</p> <p>14 full coverage auto insurance.</p> <p>15 That's what I wanted to purchase. That's</p> <p>16 what I was led to believe I was purchasing, full</p> <p>17 coverage, to cover all medical and that type of thing.</p> <p>18 That is what I thought I was getting.</p> <p>19 Q. What types of auto insurance did you request?</p> <p>20 A. What do you mean?</p> <p>21 Q. Do you understand there might be different</p> <p>22 types of auto coverages?</p> <p>23 A. Liability. We always carried full coverage.</p> <p>24 Q. That's the type you thought you were</p> <p>25 carrying, full coverage?</p>	<p>1 Q. From Ms. Sanders?</p> <p>2 A. Yes.</p> <p>3 Q. You don't recall when it was?</p> <p>4 A. No.</p> <p>5 Q. Do you know specifically what year it was?</p> <p>6 A. Back in early 1990.</p> <p>7 Q. You don't recall specifically what was said,</p> <p>8 do you?</p> <p>9 A. She told me I had full coverage. I recall</p> <p>10 that. I asked her two or three times if this was full</p> <p>11 coverage insurance. She told me it was full coverage</p> <p>12 insurance.</p> <p>13 Q. What types of coverages did you ask for?</p> <p>14 A. Whatever full coverage was. Maybe I'm not</p> <p>15 saying it right.</p> <p>16 Q. You testified that you went in and saw Ms.</p> <p>17 Sanders and had an oral conversation with her?</p> <p>18 A. Correct.</p> <p>19 Q. You told her you wanted full coverage?</p> <p>20 A. Correct.</p> <p>21 Q. I want to know --</p> <p>22 A. -- on our policy we carry 100/300 on our</p> <p>23 auto policy. On the PIP end she led me to believe I</p> <p>24 was getting the same thing, which to me was full</p> <p>25 coverage.</p>

6 (Pages 21 to 24)

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<p>1 I'm carrying 100/300. I'm assuming I'm 2 getting 100/300 on PIP because she's telling me I got 3 full coverage. The other stuff to me up top is full 4 coverage. 5 Q. The other stuff up top? 6 A. Comprehensive, that other part in the auto 7 insurance. What I carry is 100/300. 8 Q. You are talking about the policy at issue in 9 this case; correct? 10 A. Yes. I thought she was giving me 100/300 11 because she told me I had full coverage. On my 12 paperwork it says full coverage. 13 Q. What paperwork? 14 A. Documents that we have gotten. 15 Q. What documents? 16 A. From Nationwide. 17 Q. What documents did you get from Nationwide? 18 A. The document that shows 100/300 for bodily 19 injury -- I don't remember the other things. 20 Q. This conversation you had with Ms. Sanders, 21 it was before you purchased the policy; is that 22 correct? You testified you were telling her wanted? 23 MR. EDWARDS: Objection to form. 24 THE WITNESS: You can't buy a policy 25 unless you tell the person what you are</p>	<p>1 record.) 2 BY MR. MARINO: 3 Q. Before you purchased the insurance policy 4 that we have been talking about at issue in this case 5 you had auto insurance with another company, didn't 6 you? 7 A. Yes. 8 Q. Who is that with? 9 A. I can't think of the guy's name. 10 Q. Why is it that you went to get insurance from 11 Culver Agency? 12 A. With the other company we had homeowner's. 13 We had a mobile home. That company no longer was going 14 to offer mobile home insurance. Nationwide offered 15 insurance that we needed to carry on our home. 16 Q. You switched your auto too? 17 A. We switched everything. 18 Q. You switched it all over? 19 A. Yes. 20 Q. Did you tell Linda Sanders that you wanted 21 the same coverage you had with the prior company? 22 A. On what? 23 Q. Auto? 24 A. I told her I wanted full coverage. 25 Q. Did you have full coverage before?</p>
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<p>1 looking for. That's what I told her I was 2 looking for. 3 BY MR. MARINO: 4 Q. What does Ms. Sanders look like? 5 A. I don't remember. It's a long time ago. 6 Dirty blonde hair, I believe. Met her in Seaford. 7 Q. Where? 8 A. At their office. 9 Q. Where is that office? 10 A. I don't know the name of the street. I can 11 get there. 12 Q. Is there anybody else there during this 13 meeting? 14 A. I believe Keith might be back at his desk. I 15 think Keith was back at his desk. Her desk was in the 16 front. 17 Q. You were talking to her? 18 A. Yes. 19 Q. Did you take any notes of that conversation? 20 A. No. 21 Q. You don't have any notes of that 22 conversation, do you? 23 A. No. 24 MR. MARINO: Let's take a short break. 25 (A discussion was held off the</p>	<p>1 A. I don't recall. 2 Q. You don't recall what coverage you had with 3 the other company? 4 A. No. I assume I had full, but I don't know. 5 Q. Do you know what PIP is? 6 A. Yes. 7 Q. What is it? 8 A. Personal injury protection. 9 Q. Do you know what A PIP is? 10 A. I don't think so. 11 MR. MARINO: Mark this as T. 12 Eames-2. 13 (Whereupon, Exhibit T. Eames-2 was 14 so marked for identification by the court 15 reporter, being Statement.) 16 BY MR. MARINO: 17 Q. Do you recognize this? 18 A. Yes. 19 Q. Is that your signature? 20 A. Yes. 21 Q. Signed 3/14/94? 22 A. Yes. 23 Q. Did you read it before you signed it? 24 A. I looked over it, yes. 25 Q. It looks like Ms. Sander's signature is also</p>

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<p>1 there?</p> <p>2 A. Yes.</p> <p>3 Q. Did you sign this document when you had this</p> <p>4 meeting that you testified to earlier with Ms. Sanders?</p> <p>5 A. Yes, I believe so.</p> <p>6 Q. Did you ask Ms. Sanders any questions about</p> <p>7 this document?</p> <p>8 A. I asked if this is giving me full coverage,</p> <p>9 yes. Minimum limit, check. Then it's got 15 and 30.</p> <p>10 I thought it was minimum plus another 15 and 30. I</p> <p>11 believe I was getting full coverage.</p> <p>12 Q. You were getting minimum limits plus an</p> <p>13 additional 15 and 30?</p> <p>14 A. I thought that was bringing me up to full</p> <p>15 coverage.</p> <p>16 Q. That was your understanding what full</p> <p>17 coverage was?</p> <p>18 A. I questioned her on it and that's what she</p> <p>19 told me it was.</p> <p>20 Q. Specifically what did she tell you?</p> <p>21 A. If this was supplying me full coverage on my</p> <p>22 automobile. She said it was full coverage.</p> <p>23 Q. Do you recall talking about deductibles?</p> <p>24 A. No. If I knew this was only -- not giving me</p> <p>25 full coverage that I thought it was I never would of</p>	<p>1 fault, is it?</p> <p>2 A. Over here?</p> <p>3 Q. It doesn't say 100/300 there. It says 15/30</p> <p>4 there?</p> <p>5 A. Right.</p> <p>6 Q. You read that?</p> <p>7 A. It is confusing.</p> <p>8 Q. Is it your testimony that you were confused</p> <p>9 at that time or confused now?</p> <p>10 A. She checked minimum limits. Additional</p> <p>11 limits as shown in C with arrows, she wrote 15 and 30</p> <p>12 If it is just minimum I'm assuming she would check ju</p> <p>13 minimum. With 15/30, I thought I was getting more</p> <p>14 coverage than what I had.</p> <p>15 Q. You thought you were getting 15/30 in</p> <p>16 addition to what you had?</p> <p>17 MR. EDWARDS: He already answered</p> <p>18 that question. Asked and answered.</p> <p>19 BY MR. MARINO:</p> <p>20 Q. I'm not trying to upset you.</p> <p>21 A. The lady led me to believe -- what I said I</p> <p>22 wanted was full coverage, that I was getting the full</p> <p>23 amount of PIP. Any medical, anything of that nature,</p> <p>24 that I was covered.</p> <p>25 If I knew that I was only going to get</p>
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<p>1 gotten it.</p> <p>2 Q. You thought it was minimum limits plus an</p> <p>3 additional \$15,000 or \$30,000 per person?</p> <p>4 A. She had over here, this was giving me full</p> <p>5 coverage. That's what I was led to believe, yes. What</p> <p>6 I thought I was getting.</p> <p>7 Q. You thought this full coverage that you</p> <p>8 testified about was an additional \$15,000 and \$30,000?</p> <p>9 A. I assume it took me to whatever it was to get</p> <p>10 to this point here, 100/300.</p> <p>11 Q. You assumed that was getting you to the point</p> <p>12 of 100/300 under section six of this document?</p> <p>13 A. I thought this was giving me the same</p> <p>14 coverage.</p> <p>15 Q. What are you talking about?</p> <p>16 A. I wanted full coverage. I'm looking for</p> <p>17 this.</p> <p>18 Q. This being?</p> <p>19 A. 100/300.</p> <p>20 Q. Section six under underinsured vehicle</p> <p>21 coverage?</p> <p>22 A. Same as up here. 100/300. That's what I was</p> <p>23 asking for. That's what I thought I was getting.</p> <p>24 That's what I was told I was getting for my PIP.</p> <p>25 Q. That 100/300 isn't in section three under no</p>	<p>1 15/30 I would not take that coverage. Why would I wa</p> <p>2 to insure someone else up to 100/300 and not myself?</p> <p>3 To me that doesn't make no sense.</p> <p>4 Q. Your testimony is that you did review this</p> <p>5 and sign this document; correct?</p> <p>6 A. Like anybody else. I looked at it and signed</p> <p>7 it. I didn't pay much attention to it. I assumed she</p> <p>8 told me I was getting full PIP, that I was getting full</p> <p>9 coverage, not minimum coverage.</p> <p>10 She told me I was getting full PIP. I</p> <p>11 thought I was getting full coverage. Medical, all of</p> <p>12 that stuff was taken care of.</p> <p>13 Q. You thought whatever medical, whatever you</p> <p>14 had everything would be taken care of?</p> <p>15 A. That's what she led me to believe. I asked</p> <p>16 her about it two or three times. She said full</p> <p>17 coverage.</p> <p>18 Q. You don't recall specifically what words were</p> <p>19 said, do you?</p> <p>20 A. When I asked if I had full coverage she told</p> <p>21 me yes. That's specific enough. I have to rely on her</p> <p>22 as the agent to sell me what I'm looking for.</p> <p>23 Q. That was an oral communication; correct?</p> <p>24 A. Yes.</p> <p>25 Q. It was just you and her there?</p>

8 (Pages 29 to 32)

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<p>1 A. I believe just me and her.</p> <p>2 Q. Do you recall specifically whether anybody</p> <p>3 else was there?</p> <p>4 A. Keith was at his desk. Her and I just</p> <p>5 sitting there. I think it was just her and I. I can't</p> <p>6 remember if Keith had another client or whatever. I</p> <p>7 don't remember.</p> <p>8 Q. This was obviously before you purchased the</p> <p>9 policy; correct?</p> <p>10 A. Right.</p> <p>11 Q. You ultimately did purchase the policy?</p> <p>12 A. Because I was told I was getting what I went</p> <p>13 there to get. I was told I was -- yes, I did purchase</p> <p>14 the policy.</p> <p>15 Q. You got a copy in the mail; did you not?</p> <p>16 A. I believe so. I'm sure I did.</p> <p>17 Q. Did you read it when you got it in the mail?</p> <p>18 A. I'm sure I did.</p> <p>19 Q. Do you know when you got it in the mail?</p> <p>20 A. No.</p> <p>21 Q. Sometime in --</p> <p>22 A. -- I don't remember specific dates.</p> <p>23 Q. In 1994?</p> <p>24 A. I'm sure, yes.</p> <p>25 MR. MARINO: Mark this as T.</p>	<p>1 Q. You never reviewed any of those papers before</p> <p>2 they got filed?</p> <p>3 A. I don't believe so. I don't recall. I know</p> <p>4 that we did receive some paperwork. We got so much</p> <p>5 stuff that I don't recall every specific piece of paper</p> <p>6 that we received.</p> <p>7 Q. You get paperwork regarding your other</p> <p>8 lawsuit too, don't you?</p> <p>9 A. Yes.</p> <p>10 Q. From Mr. Bunning?</p> <p>11 A. Yes.</p> <p>12 Q. Turn to exhibit A to your amended class</p> <p>13 action complaint.</p> <p>14 A. Okay.</p> <p>15 Q. Have you ever seen this before?</p> <p>16 A. Yes.</p> <p>17 Q. When did you see it?</p> <p>18 A. I believe back in 1994. It showed I had full</p> <p>19 protection of my personal injury protection.</p> <p>20 Q. When in 1994 did you see this?</p> <p>21 A. Sometime after I went to Culver's for the</p> <p>22 policy.</p> <p>23 Q. After you went to Culver, is that your</p> <p>24 testimony?</p> <p>25 A. I believe. I believe it is in that</p>
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<p>1 Eames-3.</p> <p>2 (Whereupon, Exhibit T, Eames-3 was</p> <p>3 so marked for identification by the court</p> <p>4 reporter, being Amended Complaint.)</p> <p>5 BY MR. MARINO:</p> <p>6 Q. This is the amended class action complaint.</p> <p>7 Have you seen this document before?</p> <p>8 A. I don't believe so.</p> <p>9 Q. Do you know what a complaint is in a lawsuit?</p> <p>10 A. A complaint against Nationwide.</p> <p>11 Q. Are you aware that the first complaint you</p> <p>12 brought in this case was dismissed by the court?</p> <p>13 A. No.</p> <p>14 Q. No one ever told you that?</p> <p>15 A. No.</p> <p>16 Q. Did anybody ever confer with you about the</p> <p>17 filing of this amended class action complaint?</p> <p>18 A. I haven't spoken about specifics, no.</p> <p>19 Q. Who do you mean specifics?</p> <p>20 A. I didn't know about the first one being</p> <p>21 dismissed.</p> <p>22 Q. You didn't know about the filing of the</p> <p>23 second one either, did you?</p> <p>24 A. I knew they were filing papers, but I don't</p> <p>25 know -- other than that, I don't know.</p>	<p>1 timeframe. Yes, I have seen this before.</p> <p>2 Q. You believe it was sometime in 1994; is that</p> <p>3 correct?</p> <p>4 A. It was so long ago. I'm sure it was back</p> <p>5 around in that timeframe.</p> <p>6 Q. It is your testimony you have seen this</p> <p>7 specific document before?</p> <p>8 A. Yes.</p> <p>9 Q. You saw it sometime in 1994?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know whether you saw this document in</p> <p>12 1994?</p> <p>13 A. I saw this document and it showed the full</p> <p>14 which is why I think I have full coverage.</p> <p>15 Q. When did you see it?</p> <p>16 A. Back in 1994. I don't remember a specific</p> <p>17 month or day. I'm a little frustrated.</p> <p>18 MR. EDWARDS: Just respond to his</p> <p>19 questions.</p> <p>20 BY MR. MARINO:</p> <p>21 Q. You don't recall when in 1994 you may have</p> <p>22 seen this document; correct?</p> <p>23 A. I believe it was after I talked to Linda</p> <p>24 about my full coverage on the auto insurance.</p> <p>25 Q. After that time?</p>

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<p>1 A. I believe so, yes.</p> <p>2 Q. Do you know how you got it?</p> <p>3 A. I think in the mail. I don't really recall</p> <p>4 how I got it. I know that I've seen this before.</p> <p>5 Every one I received after that got that on there.</p> <p>6 Q. You didn't receive this -- when you met</p> <p>7 personally with Ms. Sanders, the testimony about your</p> <p>8 personal meeting with Ms. Sanders, you didn't receive</p> <p>9 this document then, did you?</p> <p>10 A. I don't specifically recall what I left that</p> <p>11 office with as far as paperwork.</p> <p>12 Q. Did you walk out of there with anything?</p> <p>13 A. I don't recall what I went out with.</p> <p>14 Q. You don't recall whether you left with</p> <p>15 anything; correct?</p> <p>16 A. No, I don't recall whether I left with</p> <p>17 anything.</p> <p>18 Q. You don't recall whether you saw any other</p> <p>19 documents during that meeting, form A, exhibit 2 that</p> <p>20 we've already talked about?</p> <p>21 A. I don't recall her showing me any other</p> <p>22 paperwork. I just don't remember.</p> <p>23 Q. Flip to exhibit B. You are looking at</p> <p>24 exhibit B to the amended complaint attached as exhibit</p> <p>25 three to your deposition.</p>	<p>1 A. Correct.</p> <p>2 MR. EDWARDS: Objection to form.</p> <p>3 THE WITNESS: This was bought after</p> <p>4 the auto accident.</p> <p>5 BY MR. MARINO:</p> <p>6 Q. After you had your meeting with Ms. Sanders</p> <p>7 that you testified to earlier, between that time, when</p> <p>8 the meeting ended and you got the copy of the policy</p> <p>9 the mail, did you receive any other documents relating</p> <p>10 to your insurance policy at issue in this case?</p> <p>11 A. I couldn't tell you.</p> <p>12 Q. Have you talked to anybody else about this</p> <p>13 case other than what you already testified to?</p> <p>14 A. No.</p> <p>15 MR. MARINO: Let's take a short</p> <p>16 break.</p> <p>17 (A discussion was held off the</p> <p>18 record.)</p> <p>19 MR. MARINO: I have no further</p> <p>20 questions.</p> <p>21 EXAMINATION</p> <p>22 BY MR. EDWARDS:</p> <p>23 Q. You had testified before that you had a</p> <p>24 conversation with Linda from Culver with regard to the</p> <p>25 sale of the policy in this litigation?</p>
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<p>1 Have you ever seen this document before?</p> <p>2 A. I saw it in the paperwork that I looked at</p> <p>3 yesterday.</p> <p>4 Q. Before yesterday have you ever seen this</p> <p>5 document before?</p> <p>6 A. I don't recall seeing any documents with all</p> <p>7 of this stuff written on the bottom of it.</p> <p>8 Q. Do you recall seeing this?</p> <p>9 A. I don't recall seeing documents with this</p> <p>10 handwritten stuff on the bottom.</p> <p>11 Q. Flip over to exhibit C. I'm asking you to</p> <p>12 look at exhibit C to the amended complaint attached as</p> <p>13 exhibit three to your deposition.</p> <p>14 A. (Witness complies).</p> <p>15 Q. Have you seen this document before?</p> <p>16 A. Yes.</p> <p>17 Q. When did you see it?</p> <p>18 A. I saw it yesterday.</p> <p>19 Q. Other than yesterday have you ever seen this</p> <p>20 document before?</p> <p>21 A. I'm sure I probably have.</p> <p>22 Q. You don't recall specifically, do you?</p> <p>23 A. Not specifically, no.</p> <p>24 Q. You didn't see this. You know you didn't see</p> <p>25 this document before June 17, 2003; is that correct?</p>	<p>1 A. Yes.</p> <p>2 Q. In that conversation you had with Linda, she</p> <p>3 represented to you that you were getting full PIP</p> <p>4 coverage?</p> <p>5 A. Yes.</p> <p>6 Q. That was in connection with the sale of the</p> <p>7 policy in this litigation?</p> <p>8 MR. MARINO: Objection to form.</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MR. EDWARDS:</p> <p>11 Q. Turn to T. Eames-3, exhibit A. You had seen</p> <p>12 this before?</p> <p>13 A. Yes.</p> <p>14 Q. When you saw this before the word full was</p> <p>15 used on the line entry next to personal injury</p> <p>16 protection coverage?</p> <p>17 A. Yes.</p> <p>18 Q. Is that in connection with the sale of</p> <p>19 the policy at issue in the litigation?</p> <p>20 A. Yes.</p> <p>21 MR. MARINO: Objection to the form.</p> <p>22 BY MR. EDWARDS:</p> <p>23 Q. You were asked questions about this document</p> <p>24 which is marked as T. Eames-2. You were asked</p> <p>25 questions about this?</p>

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<p>1 A. Yes.</p> <p>2 Q. You signed this document?</p> <p>3 A. Yes.</p> <p>4 Q. Am I correct this is saying that based on</p> <p>5 prior testimony you testified that you signed this in</p> <p>6 connection with the sale of the policy at issue in this</p> <p>7 litigation?</p> <p>8 A. Yes.</p> <p>9 Q. When you saw this document back when dealing</p> <p>10 with Linda you believe you were getting full PIP</p> <p>11 coverage after you signed that?</p> <p>12 A. Yes.</p> <p>13 Q. Full PIP coverage was 100/300, you believe?</p> <p>14 MR. MARINO: Objection to form.</p> <p>15 THE WITNESS: Yes.</p> <p>16 MR. EDWARDS: No further questions.</p> <p>17 RE-EXAMINATION</p> <p>18 BY MR. MARINO:</p> <p>19 Q. The conversation that you testified earlier</p> <p>20 with Ms. Sanders and Mr. Edwards asked you about, that</p> <p>21 was an oral conversation?</p> <p>22 A. Yes.</p> <p>23 Q. You didn't keep notes?</p> <p>24 A. No.</p> <p>25 Q. How long did that conversation last?</p>	<p>1 CERTIFICATE</p> <p>2</p> <p>3</p> <p>4 I, AUDREE E. BURG, a Court Reporter</p> <p>5 in and for the Commonwealth of Pennsylvania,</p> <p>6 hereby certify that the foregoing is a true</p> <p>7 and accurate transcript of the deposition of</p> <p>8 said witness who was first duly sworn by me</p> <p>9 on the date and place hereinbefore set</p> <p>10 forth.</p> <p>11</p> <p>12 I FURTHER CERTIFY that I am neither</p> <p>13 attorney nor counsel for, nor related to or</p> <p>14 employed by, any of the parties to the</p> <p>15 action in which this deposition was taken,</p> <p>16 and further that I am not a relative or</p> <p>17 employee of any attorney or counsel employed</p> <p>18 in this action, nor am I financially</p> <p>19 interested in this case.</p> <p>20</p> <p>21</p> <p>22</p> <p>23 AUDREE E. BURG</p> <p>24 Court Reporter</p> <p>25</p>
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<p>A. I don't know. Probably a half hour or so.</p> <p>2 Trying to do the policy, I guess. I don't recall a</p> <p>3 timeframe. It took a little time to do the paperwork.</p> <p>4 Q. You don't recall the specific words that were</p> <p>5 used.</p> <p>6 Do you specifically recall the words that</p> <p>7 he used?</p> <p>8 A. Not word for word, no.</p> <p>9 Q. Mr. Edwards also asked you about exhibit A to</p> <p>10 T. Eames-3.</p> <p>11 You testified earlier that you didn't</p> <p>12 recall specifically when you saw this document;</p> <p>13 correct?</p> <p>14 A. Not a specific date. I know I saw the</p> <p>15 document. Can I say it was three weeks after I talked</p> <p>16 to Linda? No, I can't say that.</p> <p>17 Q. It was after you talked to Linda?</p> <p>18 A. I believe so, yes.</p> <p>19 MR. MARINO: Nothing further. I</p> <p>20 reserve the right to depose this witness in</p> <p>21 the merit phase, should we get there.</p> <p>22 MR. EDWARDS: Nothing further.</p> <p>23 (Whereupon, the deposition was</p> <p>24 concluded at 3:12 p.m.)</p> <p>25</p>	

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<p>IN THE UNITED STATES DISTRICT COURT IN AND FOR THE DISTRICT OF DELAWARE</p> <p>***</p> <p>THOMAS A. EAMES, ROBERTA L. : CIVIL ACTION EAMES and TAMMY EAMES, on : behalf of themselves and all : Others similarly situated :</p> <p>-vs-</p> <p>NATIONWIDE MUTUAL INSURANCE : NO. 04-CV-1324-KAJ COMPANY :</p> <p>***</p> <p>Oral deposition of ROBERTA EAMES, held in the law offices of Swartz Campbell, LLC, 300 Delaware Avenue, Suite 1130, Wilmington, Delaware, on Thursday, April 27, 2006, beginning at approximately 11:15 A.M., before Audree E. Burg, Certified Court Reporter and Notary Public in and for the Commonwealth of Pennsylvania.</p> <p>***</p> <p>KARASCH &amp; ASSOCIATES REGISTERED PROFESSIONAL REPORTERS PENNSYLVANIA and DELAWARE (800) 621-5689</p>	<p>1 INDEX</p> <p>2</p> <p>3 WITNESS: PAGE</p> <p>4 ROBERTA EAMES</p> <p>5 BY: MR. MARINO 4, 45, 47</p> <p>6 BY: MR. EDWARDS 43, 46</p> <p>7</p> <p>8 ***</p> <p>9</p> <p>10 EXHIBITS</p> <p>11 NUMBER DESCRIPTION PAGE</p> <p>12 R. Eames-1 Response to Interrogatories 20</p> <p>13 R. Eames-2 Amended Complaint 30</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 (It is hereby stipulated and agreed</p> <p>2 by and between counsel for the respective</p> <p>3 parties that signing, sealing,</p> <p>4 certification, and filing are waived; and</p> <p>5 that all objections, except as to the form</p> <p>6 of the question, are reserved until the time</p> <p>7 of trial.)</p> <p>8 ROBERTA EAMES, after having</p> <p>9 been first duly sworn, was examined and</p> <p>10 testified as follows:</p> <p>11 EXAMINATION</p> <p>12 BY MR. MARINO:</p> <p>13 Q. Good morning. We met before. I'm John</p> <p>14 Marino. I represent Nationwide Mutual Insurance</p> <p>15 company in this case. Next to me is Curtis Cheyney.</p> <p>16 He also represents Nationwide.</p> <p>17 When I say Nationwide, I'm referring to</p> <p>18 Nationwide Mutual Insurance Company. Do you understand</p> <p>19 that?</p> <p>20 A. Yes.</p> <p>21 Q. At the end of the table is Yvonne Chambers</p> <p>22 and she is with the general counsel's office of</p> <p>23 Nationwide.</p> <p>24 Some ground rules. In you don't hear or</p> <p>25 understand a question I ask, ask me to rephrase it.</p>

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<p>1 A. Okay.</p> <p>2 Q. If you answer I'm going to assume you</p> <p>3 understood it.</p> <p>4 A. Okay.</p> <p>5 Q. One person talks at a time. If we talk over</p> <p>6 each other it will be hard for the court reporter to</p> <p>7 get everything down.</p> <p>8 A. Okay.</p> <p>9 Q. If you need a break, let me know.</p> <p>10 A. Okay.</p> <p>11 Q. Are you presently under any medication that</p> <p>12 would affect your ability to testify today?</p> <p>13 A. No.</p> <p>14 Q. Is there anything else that could affect your</p> <p>15 ability to testify today?</p> <p>16 A. No.</p> <p>17 Q. What is your full name?</p> <p>18 A. Roberta Lee Eames.</p> <p>19 Q. Are you also known as Bobby Eames?</p> <p>20 A. Yes.</p> <p>21 Q. Have you ever been known by any other names?</p> <p>22 A. My maiden name, Fluharty.</p> <p>23 Q. How long have you been married?</p> <p>24 A. 33 years in September.</p> <p>25 Q. You are married to Mr. Eames, who is also a</p>	<p>1 A. 655 East Dupont Highway.</p> <p>2 Q. Where is that?</p> <p>3 A. Millsboro, Delaware.</p> <p>4 Q. What do you do as an administrative assistant</p> <p>5 and service coordinator?</p> <p>6 A. Schedule service for the technician. And I</p> <p>7 do data entry in the computer and pay bills.</p> <p>8 Q. Is Oakwood Homes a builder?</p> <p>9 A. Manufactured homes.</p> <p>10 Q. How long have you worked there?</p> <p>11 A. A year and a half.</p> <p>12 Q. How big a company is Oakwood Homes?</p> <p>13 A. Large.</p> <p>14 Q. Do you work with a lot of people?</p> <p>15 A. There are six of us there.</p> <p>16 Q. Who do you report to?</p> <p>17 A. The manager, office manager.</p> <p>18 Q. Are you the administrative assistant for the</p> <p>19 office manager?</p> <p>20 A. Yes.</p> <p>21 Q. Who is the office manager?</p> <p>22 A. Gill Flemming.</p> <p>23 Q. You have been working there for about a year</p> <p>24 and a half?</p> <p>25 A. Yes.</p>
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<p>1 plaintiff in this case?</p> <p>2 A. Yes.</p> <p>3 Q. Where do you live?</p> <p>4 A. Seaford, Delaware.</p> <p>5 Q. What is your address?</p> <p>6 A. 14908 Concord Road.</p> <p>7 Q. How long have you lived there?</p> <p>8 A. Four years.</p> <p>9 Q. Before that?</p> <p>10 A. Rehobath. 14 Spinning Wheel Lane, Rehobath</p> <p>11 Beach.</p> <p>12 Q. How long did you live there?</p> <p>13 A. 25 years.</p> <p>14 Q. Has Tammy lived with you since she was born?</p> <p>15 A. Yes.</p> <p>16 Q. She still lives there now?</p> <p>17 A. Yes.</p> <p>18 Q. Did she live with you in the prior place?</p> <p>19 A. Yes.</p> <p>20 Q. Are you currently employed?</p> <p>21 A. Yes.</p> <p>22 Q. What do you do?</p> <p>23 A. Administrative assistant and service</p> <p>24 coordinator for Oakwood Homes.</p> <p>25 Q. What is your business address?</p>	<p>1 Q. Did you work before that?</p> <p>2 A. No. It had been a while.</p> <p>3 Q. How long had it been?</p> <p>4 A. 2001.</p> <p>5 Q. You left a job in 2001, didn't work for a</p> <p>6 while and then went to work for Oakwood Homes?</p> <p>7 A. Correct.</p> <p>8 Q. What was your job in 2001?</p> <p>9 A. The front office for doctors.</p> <p>10 Q. What doctor?</p> <p>11 A. Dr. Ready.</p> <p>12 Q. When you say front office, what does that</p> <p>13 mean?</p> <p>14 A. Receptionist.</p> <p>15 Q. Where is Dr. Ready's office?</p> <p>16 A. Lewes, Delaware.</p> <p>17 Q. Do you know the address?</p> <p>18 A. Savannah Road is all I know.</p> <p>19 Q. What did you do as a receptionist there?</p> <p>20 A. Answer the phones, greeted the patients,</p> <p>21 check them in, out.</p> <p>22 Q. How long were you in that job?</p> <p>23 A. About a year.</p> <p>24 Q. Before that?</p> <p>25 A. A manager at a pet store.</p>

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<p>1 Q. What pet store was that?</p> <p>2 A. House Pets.</p> <p>3 Q. Did Tammy work there?</p> <p>4 A. Yes.</p> <p>5 Q. Any jobs before that?</p> <p>6 A. Yes. Retail management.</p> <p>7 Q. Sales?</p> <p>8 A. Manager of a card shop. It was Movie King</p> <p>9 and Popular Greetings. I was with that company for six</p> <p>10 years.</p> <p>11 Q. You have had a variety of different types of</p> <p>12 jobs over the years?</p> <p>13 A. Yes.</p> <p>14 Q. Did you graduate from high school?</p> <p>15 A. A GED.</p> <p>16 Q. General Education Diploma?</p> <p>17 A. Yes.</p> <p>18 Q. When did you get your GED?</p> <p>19 A. 1989.</p> <p>20 Q. Do you get a GED from a particular school or</p> <p>21 course, or how does it work?</p> <p>22 A. I went to Deltech and took an adult education</p> <p>23 test.</p> <p>24 Q. After that did you attend college?</p> <p>25 A. No.</p>	<p>1 Q. Have you ever had your deposition taken</p> <p>2 before?</p> <p>3 A. Yes.</p> <p>4 Q. How many times?</p> <p>5 A. One.</p> <p>6 Q. In March of this year?</p> <p>7 A. I think it was February.</p> <p>8 Q. Other than the deposition you gave in</p> <p>9 February have you ever testified in any kind of court</p> <p>10 proceeding before?</p> <p>11 A. No.</p> <p>12 Q. Today and February?</p> <p>13 A. Yes.</p> <p>14 Q. Have you ever testified in any arbitration?</p> <p>15 A. No.</p> <p>16 Q. Have you ever testified at a trial?</p> <p>17 A. No.</p> <p>18 Q. When you gave your deposition in February was</p> <p>19 it in connection with a pending lawsuit?</p> <p>20 A. Yes.</p> <p>21 Q. What case was that?</p> <p>22 A. Our accident.</p> <p>23 Q. Your accident? What accident?</p> <p>24 A. Our automobile accident we had in 2003.</p> <p>25 Q. That's the accident that you and your</p>
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<p>1 Q. Did you ever attend junior college?</p> <p>2 A. No.</p> <p>3 Q. Did you have any other education after</p> <p>4 receiving your GED in 1989?</p> <p>5 A. Just where I took some computer classes.</p> <p>6 Q. What type of computer classes did you take?</p> <p>7 A. Just Word Perfect. General courses to learn</p> <p>8 the computer.</p> <p>9 Q. Was that in connection with one of your jobs?</p> <p>10 A. No.</p> <p>11 Q. You just took a general computer course</p> <p>12 because you wanted to learn how to use a computer?</p> <p>13 A. Yes.</p> <p>14 Q. Who did you take it from?</p> <p>15 A. Sussex Technical.</p> <p>16 Q. Did you get any certification?</p> <p>17 A. Certificates.</p> <p>18 Q. That you completed satisfactorily?</p> <p>19 A. Yes.</p> <p>20 Q. When did you do that training?</p> <p>21 A. Maybe 1990.</p> <p>22 Q. Soon after you got your GED?</p> <p>23 A. Yes.</p> <p>24 Q. Any other training or courses?</p> <p>25 A. No.</p>	<p>1 daughter Tammy and your husband were involved in?</p> <p>2 A. Yes.</p> <p>3 Q. When was that in 2003?</p> <p>4 A. February.</p> <p>5 Q. That lawsuit involves the accident that you</p> <p>6 were involved in February of 2003?</p> <p>7 A. Yes.</p> <p>8 Q. Are you a plaintiff in that lawsuit?</p> <p>9 A. Yes.</p> <p>10 Q. Are there any other plaintiffs in that</p> <p>11 lawsuit?</p> <p>12 A. Tom and Tammy.</p> <p>13 Q. Tom being your husband and Tammy being your</p> <p>14 daughter?</p> <p>15 A. Yes.</p> <p>16 Q. Who is the defendant in that lawsuit?</p> <p>17 A. I guess it would be the estate for Mr.</p> <p>18 Satchell.</p> <p>19 Q. Is he deceased?</p> <p>20 A. Yes.</p> <p>21 Q. Do you know whether that is the defendant or</p> <p>22 are you assuming that is the defendant?</p> <p>23 A. Mr. Satchell?</p> <p>24 Q. The estate of Mr. Satchell?</p> <p>25 A. I'm assuming.</p>

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<p>1 Q. Are you represented by an attorney in that 2 case? 3 A. Yes. 4 Q. Who is that? 5 A. Clayton Bunning. 6 Q. Do you know what court that case is pending 7 in? 8 A. No. 9 Q. What is the status of that case? 10 A. I don't know. 11 Q. We know that you are a party to the other 12 case involving the accident that you just testified to, 13 and obviously a party to this case. 14 Have you ever been involved in any other 15 litigation? 16 A. No. 17 Q. You have never been a plaintiff in any other 18 case? 19 A. No. 20 Q. You have never been sued by anybody? 21 A. No. 22 Q. Did you prepare for your deposition today? 23 A. I guess. 24 Q. Do you know whether you prepared? 25 A. Yes.</p>	<p>1 A. Yes. 2 Q. Where? 3 A. Georgetown. 4 Q. Where? 5 A. Clayton Bunning's office. 6 Q. Were Tammy and your husband also there? 7 A. Yes. 8 Q. Was anybody else there? 9 A. No. 10 Q. Prior to yesterday had you ever met Mr. 11 Spadaro? 12 A. No. 13 Q. Had you ever talked to Mr. Spadaro prior to 14 yesterday? 15 A. Yes. 16 Q. When did you first talk to Mr. Spadaro? 17 A. I guess a couple months ago. 18 Q. From today? 19 A. Yes. 20 Q. Do you know specifically when it was? 21 A. No. 22 Q. That was the first time you talked to Mr. 23 Spadaro? 24 A. No, I talked to him months before that. I 25 don't know dates.</p>
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<p>1 Q. Yes, being you know? 2 A. Yes. 3 Q. Is it your testimony you did prepare for your 4 deposition today? 5 A. Yes. 6 Q. How did you prepare for your deposition 7 today? 8 MR. EDWARDS: This is the privilege 9 thing. Don't talk about the discussions you 10 had. 11 You can talk about where you met, 12 who you met with. No discussions. 13 MR. MARINO: 14 Q. Don't tell me any discussions you had with 15 your attorneys. 16 You testified you did prepare for your 17 deposition? 18 A. Yes. 19 Q. How did you prepare? 20 A. I talked to the attorney. 21 Q. What attorney? 22 A. John Spadaro. 23 Q. When did you talk to him? 24 A. Yesterday. 25 Q. Did you meet with him personally yesterday?</p>	<p>1 Q. Any sense of how many occasions you may have 2 talked to him? 3 A. Twice. 4 Q. Twice? 5 A. Uh-huh. 6 Q. By telephone? 7 A. By phone. 8 Q. Did you just meet Mr. Edwards this morning? 9 A. Yes. 10 Q. You never talked with Mr. Edwards before 11 today? 12 A. No. 13 Q. Other than your past conversations with Mr. 14 Spadaro and meeting Mr. Edwards today have you 15 communicated with any other attorneys from the office 16 of Murphy, Spadaro and Landon? 17 A. No. 18 Q. You met yesterday with Mr. Spadaro. It was 19 you, Mr. Spadaro, your daughter Tammy and your husband 20 Was anybody else there? 21 MR. EDWARDS: Objection. Asked and 22 answered. 23 THE WITNESS: Clayton. 24 BY MR. MARINO: 25 Q. Who is Clayton?</p>

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<p>1 A. Clayton Bunning.  2 Q. He was there?  3 A. Yes.  4 Q. Anybody else?  5 A. No.  6 Q. How long did you meet yesterday?  7 A. I really didn't pay attention to the time.  8 Q. Can you ballpark it?  9 A. Maybe an hour or so.  10 Q. Did you all meet together or separately?  11 A. Together.  12 Q. Did you review any documents yesterday?  13 A. Yes.  14 Q. What documents did you review?  15 A. Just our policy, I guess. There's a couple  16 documents.  17 Q. You reviewed your policy yesterday?  18 A. There's two documents, a couple that are in  19 our policy, pertaining to our policy.  20 Q. You reviewed two documents; is that correct?  21 A. Yes.  22 Q. Did you do anything else to prepare for your  23 deposition today?  24 A. No.  25 Q. Are you represented by a lawyer in this case?</p>	<p>1 A. Yes.  2 Q. What is that?  3 A. Where someone represents for everyone that's  4 involved in a similar situation and you got the  5 plaintiff that's going to represent everybody that's  6 been treated the way we were.  7 Q. You want to be a class representative in this  8 case; is that correct?  9 A. Yes.  10 Q. Have you ever sought to be a class  11 representative in any other case?  12 A. No.  13 Q. What are your duties as a class  14 representative?  15 A. We want to represent the group or however  16 many people have been treated the way we have been  17 treated to hopefully stop it so no one else is misled  18 as we were.  19 Q. You feel you were misled?  20 A. Yes.  21 Q. Is that your understanding of the duties of a  22 class representative?  23 A. Yes.  24 Q. Do you know what fiduciary duties are?  25 A. No.</p>
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<p>1 A. John Spadaro.  2 Q. The answer is yes?  3 A. Yes.  4 Q. Are you represented by any other lawyers in  5 this case?  6 A. No.  7 Q. Other than lawyers that are with Mr.  8 Spadaro's law firm?  9 A. Correct.  10 Q. Who did you contact the attorneys about  11 bringing this case?  12 A. For Nationwide?  13 Q. Your own attorneys, did you contact them  14 about bringing this case?  15 A. Yes.  16 Q. When did that occur?  17 A. Maybe June of 2003.  18 Q. Who did you contact?  19 A. Clayton Bunning.  20 Q. About bringing this case?  21 A. We had questions when we found out our PIP  22 exhausted.  23 Q. That's when you contacted Mr. Bunning?  24 A. In this particular case, yes.  25 Q. Do you know what a class action is?</p>	<p>1 Q. You never heard of that term before?  2 A. No.  3 MR. MARINO: Mark this as R.  4 Eames-1.  5 (Whereupon, Exhibit R. Eames-1 was  6 so marked for identification by the court  7 reporter, being Responses to  8 Interrogatories.)  9 BY MR. MARINO:  10 Q. I put before you R. Eames-1. Eames  11 plaintiffs responses to Nationwide first set of class  12 interrogatories to Roberta an Eames.  13 Are these your responses to Nationwide's  14 interrogatories?  15 A. Yes.  16 Q. Have you seen this document before?  17 A. I don't know.  18 Q. You don't know if you saw exhibit one?  19 A. I don't know.  20 Q. You didn't sign this document under oath, did  21 you?  22 A. I don't know.  23 Q. Were you ever asked to sign this document?  24 A. No.  25 Q. I refer you to page three, question three.</p>

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<p>1 "Identify all past or present Nationwide employees with 2 whom you personally communicated regarding the 3 insurance policy at issue in the complaint". 4 MR. EDWARDS: Same objection. 5 MR. MARINO: There's objections to 6 that question; correct? 7 THE WITNESS: Correct. 8 BY MR. MARINO: 9 Q. "Subject to and not waiving these objections 10 and on information and belief Mrs. Eames states that 11 she may have communicated personally with Linda Sanders 12 and/or Keith Culver of the Culver insurance agency now 13 known as Muncie Insurance and Financial Services, Inc". 14 A. Yes. 15 Q. That is your answer to that interrogatory? 16 A. Yes. 17 Q. Why do you say on information and belief you 18 may have communicated? 19 MR. EDWARDS: Objection to form. No 20 relevance here. 21 MR. MARINO: I don't think you have 22 to make relevance objections. 23 BY MR. MARINO: 24 Q. Why do you say that? 25 A. At different times I may have communicated</p>	<p>1 Q. What was said during that conversation? 2 A. I don't remember. 3 Q. When was the next time you talked to Mr. 4 Culver? 5 A. When we got a policy with them. 6 Q. You never actually went in and physically met 7 with Mr. Culver before you actually received a policy 8 from Nationwide; is that your testimony? 9 A. Correct, I called first. 10 Q. Up to this point had you ever talked with 11 Linda Sanders? 12 A. If she answered the phone, yes. 13 Q. You don't know how many times you called the 14 Culver agency prior to getting your policy? 15 A. Correct. 16 Q. You don't remember the substance of any of 17 those conversations? 18 A. No. 19 Q. Did you take any notes during any of those 20 conversations? 21 A. Possibly. 22 Q. Did you save any? 23 A. No. 24 Q. You don't have any now, do you? 25 A. No.</p>
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<p>1 with either or. 2 Q. Do you know whether you communicated with -- 3 A. -- in the past, yes. 4 Q. You have? 5 A. Yes. 6 Q. Who did you communicate with? 7 A. I had spoken with Linda and Keith at 8 different times. 9 Q. When was the first time you talked to Keith 10 Culver? 11 A. In 1994. 12 Q. When in 1994? 13 A. I'm not sure. February or March. 14 Q. What did you speak with Keith Culver about? 15 A. Insurance, auto insurance. 16 Q. What about auto insurance? 17 A. Wanting to purchase. 18 Q. You saw Keith Culver about wanting to 19 purchase auto insurance? 20 A. Yes. 21 Q. Did you go to an office? 22 A. Over the phone. 23 Q. It was you personally talking to Mr. Culver 24 over the phone? 25 A. Yes.</p>	<p>1 Q. You didn't tape-record the conversations? 2 A. No. 3 Q. Was anybody on the other line? 4 A. Not to my knowledge. 5 Q. Mr. Eames wasn't on the other line? 6 A. He was working. 7 Q. Tammy was 12? 8 A. She wasn't on there. 9 Q. When you said the policy, you are talking 10 about the policy at issue in this case? 11 A. Yes. 12 Q. If I understand your testimony, you had some 13 conversations over the phone. You don't remember the 14 substance of the conversations. Then a policy was 15 issued to you? 16 A. Yes. 17 Q. From Nationwide? 18 A. Yes. 19 Q. Can you place that policy -- you saw the 20 Culver Insurance Agency -- called them to arrange to 21 have that policy placed? 22 A. Yes. 23 Q. When did you receive that policy? 24 A. I don't know. 25 Q. Did you get a copy of the policy from</p>

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<p>1 Nationwide?</p> <p>2 A. Yes.</p> <p>3 Q. In the mail?</p> <p>4 A. Yes.</p> <p>5 Q. Can you tell me approximately when you</p> <p>6 received it?</p> <p>7 A. It was shortly after.</p> <p>8 Q. This conversation in February or March of</p> <p>9 1994?</p> <p>10 A. Yes.</p> <p>11 Q. Did you read that policy when you got it in</p> <p>12 the mail?</p> <p>13 A. Yes.</p> <p>14 Q. Did you keep it?</p> <p>15 A. Until the next one came out.</p> <p>16 Q. When you got a copy of the policy you got</p> <p>17 what is called a declaration page and policy?</p> <p>18 A. Correct.</p> <p>19 Q. You kept the declaration page until the next</p> <p>20 one came out?</p> <p>21 A. Correct.</p> <p>22 Q. You read them both when you got them?</p> <p>23 A. Yes.</p> <p>24 Q. Did Mr. Eames have any conversations with</p> <p>25 anybody from the Culver Agency, including Linda Sanders</p>	<p>1 would be prior to the policy being issued, would be by</p> <p>2 phone with Keith Culver or Linda Sanders; is that</p> <p>3 correct.</p> <p>4 MR. EDWARDS: I don't think that's what</p> <p>5 she testified to.</p> <p>6 BY MR. MARINO:</p> <p>7 Q. I want to make sure I understand.</p> <p>8 A. I'm confused.</p> <p>9 Q. I thought I asked you subsequent to getting a</p> <p>10 policy in the mail and reading it, have you subsequent</p> <p>11 to that time had communications with anyone from the</p> <p>12 Culver Insurance Agency?</p> <p>13 A. Before I got the policy?</p> <p>14 Q. After?</p> <p>15 A. After I got the policy?</p> <p>16 Q. Yes.</p> <p>17 A. Only if I needed to talk to them about</p> <p>18 something.</p> <p>19 Q. What types of things might you need to talk</p> <p>20 to them about?</p> <p>21 A. If I needed to add a child to the policy or</p> <p>22 whatever.</p> <p>23 Q. Do you have more than one child?</p> <p>24 A. Yes.</p> <p>25 Q. Do you remember the substance of any of those</p>
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<p>1 or Keith Culver, prior to the policy being issued?</p> <p>2 A. No.</p> <p>3 Q. He did not?</p> <p>4 A. I do not know.</p> <p>5 Q. He wasn't participating in any of the</p> <p>6 conversations you had prior to that policy being</p> <p>7 issued?</p> <p>8 A. No.</p> <p>9 Q. Tammy didn't participate, did she?</p> <p>10 A. No.</p> <p>11 Q. Prior to that policy being issued you never</p> <p>12 had any communication with anybody from Nationwide</p> <p>13 Mutual insurance company, did you -- strike that.</p> <p>14 Prior to the policy being issued did you</p> <p>15 have any communication with anybody other than, or</p> <p>16 possible communication with anybody other than Linda</p> <p>17 Sanders or Keith Culver regarding the policy at issue</p> <p>18 in this case?</p> <p>19 A. No.</p> <p>20 Q. After you got the policy in the mail and read</p> <p>21 it did you have subsequent communications with anybody</p> <p>22 from the Culver Insurance Agency or Munsey Insurance</p> <p>23 Agency?</p> <p>24 A. No.</p> <p>25 Q. All of the communications you would have had</p>	<p>1 possible conversations?</p> <p>2 A. When they turned of age.</p> <p>3 Q. Do you remember doing that or you assume?</p> <p>4 A. I'm the one that took care of that.</p> <p>5 Q. You took care of the insurance in the family?</p> <p>6 A. Yes.</p> <p>7 Q. I'm asking you, do you specifically recall</p> <p>8 occasions where you had those types of communications</p> <p>9 with someone from Munsey, or are you assuming you did?</p> <p>10 A. Culver.</p> <p>11 Q. Do you recall those types of occasions or are</p> <p>12 you assuming you had those types of communications?</p> <p>13 A. I know I spoke with them when we added our</p> <p>14 kids.</p> <p>15 Q. Who did you speak with?</p> <p>16 A. Keith and/or Linda.</p> <p>17 Q. You don't know which one?</p> <p>18 A. It depended on who answered the phone.</p> <p>19 Q. You know you had this conversation?</p> <p>20 A. Yes.</p> <p>21 Q. When was that?</p> <p>22 A. 1990. Michelle was born in 1974.</p> <p>23 Q. Sometime around the time she turned 16?</p> <p>24 A. Yes.</p> <p>25 Q. Around 1980?</p>

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ROBERTA EAMES

April 27, 2006

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<p>1 A. 1990.</p> <p>2 Q. Do you remember any other specific</p> <p>3 conversations?</p> <p>4 A. And when the next one turned of age.</p> <p>5 Q. How many children do you have?</p> <p>6 A. Three.</p> <p>7 Q. Any other specific conversations?</p> <p>8 A. When we insured a boat.</p> <p>9 Q. That conversation was about insuring a boat?</p> <p>10 A. Yes.</p> <p>11 Q. All of these conversations were by phone?</p> <p>12 A. Yes.</p> <p>13 Q. You don't have any notes of these</p> <p>14 conversations, do you?</p> <p>15 A. No.</p> <p>16 Q. You don't recall specifically what was said,</p> <p>17 do you?</p> <p>18 A. No.</p> <p>19 MR. EDWARDS: This is subsequent to?</p> <p>20 MR. MARINO: Correct. I already</p> <p>21 asked about prior to. Subsequent to the</p> <p>22 policy being issued.</p> <p>23 MR. EDWARDS: Yes.</p> <p>24 BY MR. MARINO:</p> <p>25 Q. Do you know if your husband ever went in to</p>	<p>1 A. I believe.</p> <p>2 Q. Do you know?</p> <p>3 A. Yes.</p> <p>4 Q. You do know that you have seen it before?</p> <p>5 A. I've seen so much.</p> <p>6 Q. If you don't know, that's okay.</p> <p>7 A. I'm not sure.</p> <p>8 Q. Do you know what a complaint is in</p> <p>9 litigation?</p> <p>10 A. Yes.</p> <p>11 Q. What is it?</p> <p>12 A. That's when you complain about the problem</p> <p>13 that you have.</p> <p>14 Q. Do you know what a pleading is?</p> <p>15 A. Guilty or not guilty?</p> <p>16 Q. In a civil case?</p> <p>17 A. No.</p> <p>18 Q. This is an amended class action complaint</p> <p>19 that you filed in this case.</p> <p>20 Are you aware there was a previously</p> <p>21 pending complaint in this case?</p> <p>22 A. No.</p> <p>23 Q. Are you aware the previously pending</p> <p>24 complaint in this case was dismissed by the court?</p> <p>25 A. No.</p>
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<p>1 personally meet with anyone from the Culver Agency</p> <p>2 prior to the policy being issued?</p> <p>3 A. I don't think he did.</p> <p>4 Q. You don't know for sure; do you? You would</p> <p>5 be surprised if he did?</p> <p>6 A. Yes.</p> <p>7 Q. You didn't go with him; right?</p> <p>8 A. Before the policy?</p> <p>9 Q. Before the policy was issued, you had never</p> <p>10 been to the Culver Insurance Agency office before the</p> <p>11 policy was issued?</p> <p>12 A. No.</p> <p>13 MR. MARINO: Let's take a half hour</p> <p>14 break.</p> <p>15 (Whereupon, a luncheon recess was</p> <p>16 taken.)</p> <p>17 MR. MARINO: Mark this as R.</p> <p>18 Eames-2.</p> <p>19 (Whereupon, Exhibit R. Eames-2 was</p> <p>20 so marked for identification by the court</p> <p>21 reporter, being Amended Complaint.)</p> <p>22 BY MR. MARINO:</p> <p>23 Q. I'm showing you what had been marked as R.</p> <p>24 Eames-2. It is an amended class action complaint.</p> <p>25 Have you seen this document before?</p>	<p>1 Q. No one told you that?</p> <p>2 A. No.</p> <p>3 Q. Look at paragraph three of the amended</p> <p>4 complaint. The second sentence claims you and your</p> <p>5 husband are named insureds under a Nationwide policy.</p> <p>6 Do you see where I'm reading?</p> <p>7 A. Yes.</p> <p>8 Q. That is the policy you referred to earlier</p> <p>9 that you received in the mail and read sometime in</p> <p>10 1994; is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. Look at paragraph 13 on page six.</p> <p>13 A. (Witness complies).</p> <p>14 Q. "Specifically Nationwide has represented to</p> <p>15 one or more of the proposed class representatives that</p> <p>16 the subject policy provides full limits of liability</p> <p>17 for PIP coverage and it has therefore taken the</p> <p>18 position such limits have been exhausted by payment of</p> <p>19 the minimum statutory amount".</p> <p>20 Do you see where I'm reading from?</p> <p>21 A. Yes.</p> <p>22 Q. Do you see one or more of the proposed class</p> <p>23 representatives?</p> <p>24 A. Yes.</p> <p>25 Q. Are you claiming to be one or more of those</p>

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